

REMARKS

Favorable reconsideration of this patent application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 2-6,9,11-14,16,17, and 27 have been rejected as being indefinite under 35 USC 112; Claims 2-6,9,14,16,17, and 27 have been rejected as being unpatentable over Podd et al. in view of Mundinger et al. under 35 USC 103; Claims 2-6,9,14,16,17, and 27 have been rejected as being unpatentable over Podd et al. in view of Mundinger under 35 USC 103; Claim 11 has been rejected as being unpatentable over Podd et al. in view of Mundinger et al. and Seaman under 35 USC 103; Claim 11 has been rejected as being unpatentable over Podd et al. in view of Mundinger and Seaman under 35 USC 103; Claims 12 and 13 have been rejected as being unpatentable over Podd et al. in view of Mundinger et al. and Nelligan under 35 USC 103; and Claims 12 and 13 have been rejected as being unpat-

entable over Podd et al. in view of Mundinger and Nelligan under 35 USC 103. Claim 27 has been cancelled, new Claim 28 has been inserted, and consequently, Claims 2-23 and 28 are now active in this patent application.

It is firstly noted to the examiner that the claim modifiers with respect to Claims 7,8,10,15, and 18-23 have been changed so as to properly indicate their withdrawn status.

In addition, in connection with the rejection of the noted claims as being indefinite under 35 USC 112 because of the recitation within Claim 27, now new Claim 28, with respect to the "longitudinal" recitation, Claim 28 has been amended so as to more clearly define the longitudinal extent thereof, such as, for example, as having a longitudinal extent extending along a longitudinal axis extending between the front and rear surface wall members of the bulk material cargo container liner. In addition, the recitation of the

vacuum discharge tube member disposed internally within the bulk material cargo container liner and having a predetermined longitudinal axial extent so as to extend longitudinally rearwardly from a forward internal position within the vicinity of the front wall surface portion of the bulk material cargo container liner toward a bulk material discharge port defined within the rear wall surface portion of said bulk material cargo container liner, is submitted to be clear and definite and entirely based upon the original specification and drawings. It is therefore respectfully requested that the rejection of the claims under 35 USC 112 be withdrawn.

Continuing further, it is respectfully noted to the examiner that new Claim 28 recites the fact that the vacuum discharge tube member is disposed within the bulk material cargo container liner, and that an inflatable air bag component is operatively associated with the bulk material cargo container liner such that when the inflatable air bag component is inflated, it will force the bulk material disposed within the bulk material cargo container liner to be moved toward the vacuum discharge tube member so as to effectively

be evacuated or discharged from the bulk material cargo container liner. More particularly, it is noted that the vacuum discharge tube member is disposed internally within the bulk material cargo container liner and has a predetermined longitudinal axial extent so as to extend longitudinally rearwardly from a forward internal position within the vicinity of the front wall surface portion of the bulk material cargo container liner toward a bulk material discharge port defined within the rear wall surface portion of the bulk material cargo container liner. In addition, the inflatable air bag component, operatively associated with the bulk material cargo container liner, causes the bulk cargo material, disposed within the bulk material cargo container liner, to undergo fluid flow transversely, with respect to the longitudinal axis and the longitudinal axial extent of the bulk material cargo container liner, toward the longitudinally extending vacuum discharge tube member disposed within the bulk material cargo container liner when the inflatable air bag component is inflated from a relatively deflated state to a relatively inflated state so as to facilitate the evacuation of the bulk cargo material from the interior of the bulk material cargo container liner without requiring the tilting of the bulk material cargo container liner. This combination of

structure is respectfully submitted to be lacking within any of the prior art, and it is respectfully submitted that there are no teachings within the prior art which would motivate one to combine any of the teachings of the prior art in order to render obvious the claimed invention.

More particularly, Podd et al. does not teach the use of any vacuum discharge at all, and in addition, does not disclose the use of a vacuum discharge tube member which is in fact disposed internally within the bulk material cargo container liner and which extends longitudinally from a position within the front wall surface of the bulk material cargo container liner toward the rear wall surface of the bulk material cargo container liner within which there is defined a discharge port. In addition, and quite importantly, as has been noted hereinbefore, the air bags of Podd et al. are inflated so as to cause the bulk material to move or migrate in a rearward manner from the forward regions of the bulk material cargo container liner toward the discharge port. To the contrary, the air bags of the present invention are inflated so as to cause the bulk material to move trans-

versely within the bulk material cargo container liner and with respect to the longitudinal axis thereof so as to be discharged by the vacuum discharge tube member. None of these features are disclosed within Podd et al.

The examiner has stated that the language "transversely" has not been previously claimed, but in fact it has if the examiner reviews previously submitted Claim 27 - such language appears upon Page 16 of the previously filed amendment, on the eighth line from the bottom. And as one example within the specification which supports such claim language, even though the specific term "transversely" may not in fact be employed, is disclosed at Page 26, lines 1-11 wherein the inflation of the air bag component 10, for example, clearly causes the movement of the bulk material from side wall and corner regions of the bulk material cargo container liner 12 toward an axially central region of the bulk material cargo container liner 12. If the examiner wants Applicants to amend the specification so as to clearly employ the word "transversely", such would be acceptable to Applicants. The clear

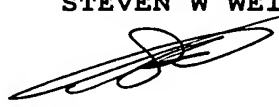
import or meaning of the description, however, is respectfully submitted to be unmistakable.

Continuing further, while Mundinger and Mundinger et al. disclose the use of pneumatic discharges, they do not accomplish the same by inflatable means. In addition, there would be no way to combine the teachings of Mundinger or Mundinger et al. with those of Podd et al. because if the systems of Mundinger or Mundinger et al. were somehow incorporated into Podd et al., the entire system of Podd et al. would be structurally altered so as to operate in an entirely different manner, which is not permitted in accordance with current patent practice. In other words, the combination of such prior art would not simply comprise a mere substitution of parts but a fundamental structural change in the Podd et al. system. For example, how would a transversely movable bulk material system such as that of either of the Mundinger or Mundinger et al. references be incorporated within a rearward moving inflatable bag system such as that of Podd et al.? Similar arguments are appropriate with respect to Nelligan and Seaman. While both Nelligan and Seaman admittedly

employ inflatable means for moving bulk material toward a discharge port, neither reference utilizes vacuum discharge means, and the discharge of the material is in the longitudinal direction, not the transverse direction toward a longitudinally oriented vacuum discharge means as is characteristic of the present invention.

In light of the foregoing, it is submitted that the claims of this patent application therefore define over all of the prior art of record and therefore this patent application is now in condition for allowance. An early and favorable action is now anticipated and awaited.

Respectfully Submitted,
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